

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION	)	AMENDED
FOR EXCHANGE OF WATER IN THE	)	PRELIMINARY ORDER
NAME OF WILDERNESS RANCH	)	AUTHORIZING EXCHANGE
OWNERS ASSOCIATION INC AND	)	
THE U.S. BUREAU OF RECLAMATION	)	
_____	)	

WHEREAS, Idaho Code § 42-240 provides that the Director of the Idaho Department of Water Resources (“Director” or “Department”) is authorized to allow exchanges of surface water authorized under a water right with the same or a different source or with water authorized to be diverted under one or more other rights from the same source or another surface water source when the Director determines that such changes can be accomplished in accordance with the provisions of Idaho Code § 42-240; and,

WHEREAS, on July 1, 2010, the Wilderness Ranch Owners Association, Inc. and the U.S. Bureau of Reclamation (“Applicants”) requested that the Director approve the attached Application for Exchange of Water and Exchange Agreement (“Application”). The water rights that are the subject of this exchange are the U.S. Bureau of Reclamation right 63-3618 and the Wilderness Ranch Owners Association, Inc. rights 63-4629A, 63-10318 and 63-31336.

WHEREAS, the Director has reviewed the Application and has determined the Application can be approved with certain conditions.

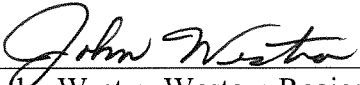
ORDER

IT IS HEREBY ORDERED that the Application is APPROVED subject to the following Conditions:

1. The agreement to exchange water under the contract rights held by the Applicants as described in the Application is authorized at the location described in the Application.
2. Diversion and use of water under the exchange is only authorized:
 - a. When, and to the extent that, Wilderness Ranch Owners Association, Inc. has water accrued and available in its Lucky Peak storage account;

- b. When water is not available in priority to fill water right nos. 63-4629A, 63-10318 and 63-31336 and the Wilderness Ranch Owners Association, Inc. is diverting the water rights out of priority.
3. This exchange mitigates for diversion under Rights 63-4629A, 63-10318 and 63-31336 when they are not in priority. Rights 63-4629A and 63-10318 include authorized points of diversion with a direct and immediate hydraulic connection to Mores Creek.
4. Diversion and use of water under the exchange is limited to the extent that storage water is available in the Wilderness Ranch Owners Association, Inc. storage account up to 200 afa .
5. The exchange is effective from the date of approval through an indefinite period unless terminated by the right holders or rescinded for cause by the Director.
6. The diversion and use of water described in the exchange may be subject to additional limitations agreed to by the right holders under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
7. Right 63-10318 and the water use described in Right 63-4629A when combined shall not exceed a total diversion rate of 0.45 cfs and a total annual maximum diversion volume of 315.2 af.
8. The watermaster of State Water District No. 63 is authorized to administer the exchange as approved. The watermaster shall regulate and keep a record of the amount of water diverted and accumulated as described in the application under the exchange of the contract right held or controlled by the Applicants.
9. Prior to diversion of water for Wilderness Ranch Owners Association rights 63-4629A, 63-10318 and 63-31336 under this exchange, the right holder shall install and maintain a measuring device and lockable controlling works of a time approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
10. Failure of the right holder to comply with the conditions of this exchange is cause for the Director to rescind approval of the exchange.

Dated this 29th day of June, 2011



John Westra, Western Regional Manager
Idaho Department of Water Resources

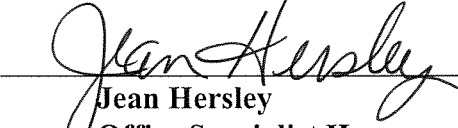
CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of June, 2011, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

**BUREAU OF RECLAMATION
PN-3100
1150 N CURTIS RD STE 100
BOISE ID 83706**

**WILDERNESS RANCH OWNERS ASSOCIATION INC
46 WILDERNESS RANCH RD
BOISE ID 83716**

**MICHAEL C CREAMER
C/O GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701**


Jean Hersley
Office Specialist II